

JUSTICE FOR ALL

Crime Victims' Rights Newsletter

Fall 2003



Dear Friends:

On July first of this year, I was honored to appoint Gene Schmidt to the position of Victim's Rights Coordinator for the State of Kansas. In the 10 years I have known and worked with Gene and his wonderful wife, Peggy, I have been constantly impressed by their sincerity, their knowledge, and their passion for justice on behalf of crime victims.

Gene's record of accomplishments in this area is unparalleled. Following the murder of their daughter in 1993, Gene and Peggy formed a task force, of which I was a member, and together we wrote five bills that became law, including the Stephanie Schmidt Sexual Predator Act and the Sex Offender Registration Act. Gene and Peggy have been recognized both locally and nationally for their outstanding and continuing work, including being awarded the National Crime Victims' Service Award in 1998, the Kansas Attorney General's Award for Crime Victim Advocacy in 2000, and the FBI Director's Community Leadership Award last year.

In my administration, Gene will be responsible for the administration of state victim's rights grants and the outreach of this office in all areas related to victim's rights, including this newsletter. But the most important job Gene will do is to be available to the victims of crime as a voice of reason, a voice of comfort, and a voice of experience. Gene Schmidt has walked the lonesome road crime victims tread and he is dedicated to making sure they do not walk alone. I am proud to have him onboard.

Attorney General Phill Kline



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Sincerely,



Phill Kline
Attorney General

Homicide Co-Victimization

National Center for Victims of Crime

What is homicide?

Homicide is generally defined as the willful, intentional killing of one human being by another. There are different types of homicide, including murder and manslaughter. People from all walks of life and all types of backgrounds can be victims of homicide. Family members and significant others become co-victims when their loved one is murdered. The violent death of a family member or close friend is one of the most traumatic experiences you could ever face. It is an event for which no one can adequately prepare but that results in a wide range of emotional pain and upheaval. Everyone close to the victim will grieve in different ways. In addition, the sudden and unnatural manner of death presents feelings and emotions that compound those caused by your grief.

As a homicide co-victim, you may experience many kinds of loss. You may feel a loss of self or feel changed from the person you used to be. You may feel that you have lost control of your life, your sense of safety, and security. You may question your faith or religion. When co-victims first learn about the homicide, many experience shock and disbelief, numbness, changes in appetite or sleeping patterns, difficulty concentrating, confusion, anger, fear, and worry. It is hard to understand how others are able to go on with their daily routine. For a long time, the emotional and physical suffering may seem to use up all the energy you have. Even though you knew before the murder that bad things happen, you may have thought they only happened to other people, so you did not feel vulnerable to crime. Now, you have a new sense of vulnerability for yourself and others.

If You Are a Homicide Co-victim

A homicide is almost always violent. The knowledge that your loved one experienced an intentional death can be traumatic and will cause grief. The death that took your loved one probably feels unlike any other loss you have experienced. You may feel vast swings in emotion. You may feel guilty for not being able to protect your loved one, even if you know that was impossible. Even many years after a murder, co-victims may find themselves suddenly crying over their loss. Such experiences are called trauma and grief “spasms.” Certain events, such as birthdays or anniversaries, may trigger this kind of grief.

Your involvement with the criminal justice system may complicate your grief. Often, homicide co-victims are depersonalized throughout the criminal process. Through the police investigation, you may hear for the first time certain details about your loved one that can be confusing and sometimes hurtful.

Inaccurate or inappropriate information about your loved one may come out in court or in the media. In addition, court rules and continuances can be very frustrating. Co-victims find that arrests do not always end in prosecution, prosecutions do not always end in convictions, and convictions do not always mean stiff sentences. If the murderer is never arrested, your grief process may be even more difficult.

Remember, each person deals with tragedy in his or her own way. At times, you may feel depressed or hopeless and lack interest in things you once enjoyed. Emotions may come and go or overwhelm you. Know that intense feelings are normal. What you feel is what you need to feel moment by moment. Co-victims are forever changed by homicide. Life will never be the same for you and your family, but many homicide co-victims find that with time, they can face life with new understanding and new meaning.

Where can you get help?

Information is crucial for you to deal with this overwhelming event in your life. Your community has resources to help you better understand your reactions and experiences. You and your family might want to seek the support and understanding of others who have gone through similar trauma. Many co-victims say that attending a homicide support group, though sometimes difficult, helped them in their grieving process. These support groups can help you realize that you are not alone and that others share the depth and complexity of emotions and frustrations.

Call on victim assistance programs in your community or seek out counselors who understand the grief that follows traumatic death. Counselors can provide you with information and a full range of victim support services and assist you through the criminal justice process. Social services program personnel and other trained professionals can also help you find out about crime victim rights in your state. When a loved one has been killed, the financial impact can be a second victimization. Homicide may mean a loss of income for your family. If the victim survived briefly before death, there may be large medical bills to pay. Funeral expenses can be a burden. All states now have crime victim compensation programs that reimburse victims' families for certain out-of-pocket expenses, including funeral expenses, medical expenses, counseling, and other financial needs considered reasonable. Contact your state's victim compensation program or your local victim assistance program to discuss eligibility requirements.

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Resources for Co-Victims: Information and Assistance

The Compassionate Friends

630-990-0010

www.compassionatefriends.org

Concerns of Police Survivors

1-800-784-2677

www.nationalcops.org

Mothers Against Drunk Driving

1-800-GET-MADD or

1-800-438-6233

www.madd.org

National Center for Victims of Crime

1-800-FYI-CALL or

1-800-394-2255

www.ncvc.org

The National Coalition of Homicide Survivors, Inc.

520-740-5729

www.mivictims.org/NCHS

National Organization for Victim Assistance

1-800-TRY-NOVA or

1-800-879-6682

www.try-nova.org

National Organization of Parents of Murdered Children

1-888-818-POMC or

1-888-818-7662

www.pomc.com

Office for Victims of Crime Resource Center

1-800-627-6872

TTY 1-877-712-9279

www.ojp.usdoj.gov/ovc/ovcres/welcome.html

State Child Death Review Board Report: Motor Vehicle Accidents and Kansas Kids



by Eric Haar
Executive Director, SCDRB

Motor vehicle accidents (MVAs) are a serious problem in the state of Kansas. The State Child Death Review Board (SCDRB) has reviewed the deaths of 3,478 children who died in Kansas in the seven year period from 1994 to 2000; 508 (14.61%) of those children died due to motor vehicle accidents.

The MVA statistics are startling: among children less than 15 years of age, 70 percent were not using safety restraints when they died. Among 15 through 17 year olds, a shocking 86 percent were not using safety restraints.

Additionally, when children die in motor vehicle accidents, many of the contributing factors are avoidable. Falling asleep at the wheel, inattentive driving, impairment due to alcohol or drug use, and failure to obey traffic laws are common among young drivers. As drivers young and old take to the roads this fall for school, work, and recreation, it is advisable to make travel safety priority number one.

A comprehensive resource for child passenger safety is the National Highway Traffic Safety Administration which offers information on everything from recalls, crash test results, proper safety restraint information, and impaired and dangerous driving. The NHTSA website is www.nhtsa.gov; a special section dedicated to child passenger safety is available at www.nhtsa.gov/CPS/.

The SCDRB is a multi-disciplinary, multi-agency board that examines the circumstances surrounding the deaths of all Kansas children (birth through 17 years of age) and children who are not Kansas residents, but who die in the state. The goals of the SCDRB are to describe the trends and patterns of child deaths in Kansas, to develop prevention strategies, and to improve sources of data and communication among agencies so that recommendations can be made. Additional information on the SCDRB can be found on the Internet at www.ksag.org/contents/scdrb/main.htm. The SCDRB program also can be contacted by calling 785-296-7970.

How Does The Sexually Violent Predator Program Work?

(Part II of II)

By Loren Snell, Assistant Attorney General
Bill Hoyt, Public Information Officer

Kansas Law dictates that people designated as *sexually violent predators* (SVP) can be committed to the authority of the Secretary of Social and Rehabilitative Services (SRS) for care, control, and treatment, until such time as the person's mental abnormality or personality disorder has changed so that they are no longer a danger to be at large.

Our previous article outlined the 13 steps which lead up to the SVP trial conviction. This article will outline the levels of treatment and release which begin after the civil trial and commitment to the Sexual Predator Treatment Program in Larned, Kansas.

The Sexual Predator Treatment Program (SPTP) consists of an intake phase plus four phases of inpatient treatment. The patient moves up or down in those phases based upon the patient's progress in the treatment program and on his behaviors. These phases of treatment are considered to be a multi-year process, but they are not expected to be indefinite. While the treatment staff is responsible for determining at what phase the patient currently resides, the patient is granted annual reviews and a court petition for release.

Once a patient has completed the five phase treatment program, the treatment team determines that the person's mental condition has changed, and that the person is no longer likely to re-offend if placed in the Transitional Release step, SRS can make such a recommendation to the court. The court then sets a date for a hearing of the patient's petition for Transitional Release.

Upon Transitional Release, the patient is removed from Larned State Security Hospital into another program, often a halfway house environment through KDOC, where progress and behavior is continually monitored by the treatment team. If at any time SRS determines that the person is not fit for Transitional Release, or if any serious violations of Transitional Release conditions occur, SRS can return the patient to the SPTP. If this occurs, a hearing must be set within two days to determine if the order granting Transitional Release should be revoked or if Transitional Release should be re-entered with new conditions.

The Transitional Release phase is expected to last between six and nine months, depending upon the individual, but at any time the treatment team can recommend that the patient be placed on Conditional Release. A court hearing is then held to approve or deny the recommendation.

If the patient is placed on Conditional Release, he is free to move from the halfway house facility and into the general populace, but the court will impose a plan of treatment as recommended by the treatment staff. This plan of treatment may include:

- 1) Provisions as to where the person may live and with whom.
- 2) Taking prescribed medications.
- 3) Attending individual and group counseling.
- 4) Maintaining employment.
- 5) Having no contact with children.
- 6) Submission of annual reports to the court.
- 7) Other conditions as ordered by the court.

If at any time, SRS determines that the person is not fit for Conditional Release or if any serious violations of the Conditional Release plan of treatment occur, SRS can return the patient to the SPTP. If this occurs, a hearing must be set within two days to determine if the order granting Conditional Release should be revoked and the person returned to SPTP or if Conditional Release should be re-entered with a revised plan of treatment.

The Conditional Release phase must continue for a period of five years. If, after that time, the patient has been in complete compliance with the terms of Conditional Release and if the treatment provider believes the person is appropriate for final discharge, the treatment provider may make that recommendation to the court. The court may then order SRS to perform a final evaluation of the person's mental condition and make a recommendation to the court concerning whether the person has so changed as to no longer pose a danger to the public.

If after the hearing, the court finds it is safe to release the person, the court may then enter an order of final discharge and dismiss the case. The court may also, based on the recommendations of SRS or the Treatment Provider, continue the conditional release order or can even re-commit the person to the custody of SRS for re-entry into the SPTP.

Upon final release, the patient is then free from oversight by the court, SRS, or any other government entity, other than being responsible to fulfil reporting requirements for sexual offenders as required by law for all sexual offenders.

- end -

Victim's Rights, Forgiveness, and Law



by Gene Schmidt
State Victim's Rights Coordinator

Self-imposed exile Roman Polanski was portrayed by the media as a victim of false accusations because his rape victim offered forgiveness. The media ranked his crime as an "old statutory rape" case. The media and general public never expressed the inappropriateness of celebrating the accomplishments of a pedophile who fled our country because he thought he was too artistically valuable to go to prison.

Minimizing Polanski's crime to a category of "statutory rape" not only got a rapist an Academy Award, but it has misconstrued and convoluted efforts of the victims' rights movement. It is not "statutory rape" when a 43 year old man isolates a 13 year old and gives drugs in order to repeatedly rape her. That is aggravated rape of a child.

As strongly as we encourage and support victims impacting our courts, the victims cannot dictate criminal law and subsequent punishment. Oppositions to victims rights and impact statements wave the flag of victims rights when victims choose not to ask for the death penalty. Defense attorneys then insist that "the voice of the victims should be heard."

However, when the victims family ask the judge to throw the book at the offender, these same attorneys then say that the family is being "vindictive." While the ultimate goal is to provide justice for the victim, forgiveness by the victim can never be construed as cause to negate the crime.

In Polanski's case, his victim now appears to be fine and has also received a large settlement in her civil case against Polanski. But it remains incorrect to excuse or pretend that the crime never happened or to reduce it to a mere statutory offense. Countless children have been sexually abused by priests similar in age to Polanski, yet the media nor the public is willing to characterize these crimes as statutory rapes.

Sadly, the media and public acceptance in the Polanski case will only end up hurting all children. Society can not accept nor minimize rape even if the offender is wealthy, talented, or an Academy Award winner.

Resources and Information for Youth Violence Prevention

Adolescence Directory Online

<http://www.education.indiana.edu/cas/adol/adol.html>

Web site that provides links and resources for educators, counselors, parents, practitioners, and teens on issues affecting adolescents including violence prevention and peer mediation.

Adolescent Violence Prevention

<http://www.members.aol.com/stringhamp>

This site provides information for parents and professionals on the various forms of adolescent violence and how to deal with them effectively.

American Psychological Association (APA)

<http://www.apa.org>

The APA's site shares information on teen violence warning signs, reasons for violent behavior, ways to respond to warning signs, and methods of dealing with one's own violent behavior.

CDC Division of Violence Prevention

<http://www.cdc.gov/ncipc/dvp/dvp.htm>

Information, reports, statistics, and intervention/prevention strategies for youth violence, family and intimate violence, suicide and firearms injuries are provided at this website.

Best Practices of Youth Violence Prevention: A Sourcebook for Community Action

<http://www.cdc.gov/ncipc/dvp/bestpractices.htm>

This sourcebook provides information on the effectiveness of specific violence prevention practices highlighting model programs.

Big Brothers Big Sisters of America

<http://www.bbbsa.org>

A national adult-child, one-on-one mentoring program shown to improve youth participants' grades and family/peer relationships, as well as reduce violent behavior and drug/alcohol abuse.

Boys and Girls Clubs of America

<http://www.bgca.org>

Nationwide community centers offering programs focused on youth education, health, the arts, career and leadership development, pregnancy and gang prevention, and athletics.

Center for the Study and Prevention of Violence

<http://www.colorado.edu/cspv>

Descriptions of model violence prevention programs.

Committee for Children

<http://www.cfchildren.org>

Committee for Children, a non-profit organization, is a leader in social and emotional learning and violence prevention. Its award-winning programs and prevention curricula focus on the topics of youth violence, bullying, child abuse, and personal safety.

Join Together

<http://www.jointogether.org>

A national resource of news, prevention theory, public policy information, data, and grant funding information to reduce gun and substance abuse violence.

Minnesota Center Against Violence and Abuse (MINCAVA)

<http://www.mincava.umn.edu>

MINCAVA Offers an extensive listing of electronic resources on the topics of violence and abuse.

National Crime Prevention Council (NCPC)

<http://www.ncpc.org>

NCPC is a national educational non-profit organization that provides crime prevention educational awareness, community and youth mobilization strategies, effective local crime prevention initiatives, program models, crime statistics by state, and technical assistance.

National Youth Violence Prevention Resource Center (NYVPRC)

<http://www.safeyouth.org>

The NYVPRC website and call center at 1-800-SAFEYOUTH (723-3968) serve as a user-friendly, single point of access to federal information on youth violence and suicide prevention.

Office of Juvenile Justice and Delinquency Prevention (OJJDP)

<http://www.ojjdp.ncjrs.org>

The OJJDP website provides research, reports, evaluations, prevention and intervention strategies, risk factors, and statistics on juvenile offenders and at-risk youth.

Prevention Institute

<http://www.preventioninstitute.org>

The Prevention Institute is a national non-profit organization established to advocate for prevention. On its website are reports, programs, and statistical data on violence prevention.